

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SHASTA

3 * * * * *

4 CHARLES L. LEMM, et al,)
5 Plaintiffs,)
6 vs.)
7 JOHN RUTHERFORD, et al,)
8 Defendants.)

STIPULATION AND AGREEMENT

9 * * * * *

10 It is hereby stipulated and agreed by the parties to the above en-
11 titled action that the Division of Water Rights of the Department of Public
12 Works of the State of California, as referee in the above entitled matter,
13 may undertake to distribute the waters of North Cow Creek and its tributaries
14 among the various parties to this action as hereinafter set forth, it being
15 understood and agreed that the following plan of distribution and apportion-
16 ment of water shall be for the 1927 irrigation season only, and subject to
17 such provisions as hereinafter contained.

18 1. That Wilford E. Ross, John Q. Cox, J. W. Ballard, E. D. Herrick,
19 J. B. Carswell Estate and E. C. English shall be entitled to divert 3.00
20 cubic feet per second from Mill Creek through the Welch and Strayer Ditch,
21 and O. L. Rose, Evert G. Angle, Emma A. Thomas, John W. Maxwell, and Jennie
22 Maxwell shall be entitled to divert 2.00 cubic feet per second from Mill Creek,
23 or the South Fork thereof, through the Excelsior Ditch; provided, however,
24 that whenever the combined available water supply of Mill Creek and the South
25 Fork thereof is inadequate to supply the allotments hereinabove provided for,
26 then during the continuance of such shortage the said combined available water
27 supply of Mill Creek and South Fork thereof shall be apportioned sixty per
28 cent to the Welch and Strayer Ditch and forty per cent to the Excelsior Ditch,
29 said water to be used for domestic and stockwatering purposes and for the ir-
30 rigation of the lands of the various parties enumerated in this
31

1 paragraph as described in Schedule I, hereunto annexed.

2 2. That A. F. Pehrson shall be entitled to divert 0.25 cubic foot
3 per second from Cedar Creek, through the Pehrson Cedar Creek ditch, from
4 9:00 o'clock, A. M., on Tuesday to 9:00 o'clock A. M., on Wednesday of each
5 and every week, said water to be used for the irrigation of 0.6 acre of
6 garden situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 22, Tp. 34 N., R. 1 W., M.D.B. & M.

7 3. That E. J. Phillips shall at all times be entitled to divert
8 7.50 cubic feet per second from North Cow Creek through the Phillips Mill
9 Ditch, said water to be used for domestic, stockwatering and power purposes,
10 and for the irrigation of 0.8 acres of garden situated in Lots 2 and 3 of
11 Sec. 2, T 33 N, R 1 W, M.D.B. & M.; provided, however, that all water so
12 diverted, with the exception of that necessarily lost in transportation and
13 that consumed by the above mentioned domestic, stockwatering and irrigation use,
14 shall be returned to the natural channel of North Cow Creek at a point opposite
15 the Phillips Mill.

16 4. That E. J. Phillips shall at all times be entitled to divert
17 0.25 cubic foot per second from North Cow Creek, through the Phillips Garden
18 Ditch, said water to be used for the purpose of conveying sawdust and for the
19 irrigation of 0.3 acre of garden situated in Lot 3 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2,
20 T 33 N, R 1 W, M.D.B. & M.; provided, however, that all water so diverted, with
21 the exception of that necessarily lost in transportation and that consumed by
22 said irrigation use, shall be returned to the natural channel of North Cow
23 Creek immediately below the Phillips Mill Bridge; and provided, further, that
24 when said water is not being used for the purpose of conveying sawdust, any
25 water diverted over and ^{above} that necessarily lost in transportation and that con-
26 sumed by irrigation use shall be returned to the natural channel of North Cow
27 Creek above the Phillips Mill Bridge.

28 5. That H. O. Bishop shall at all times be entitled to divert
29 the entire flows of Alder No. 1 Spring and Lower Spring, through the Bishop
30 Spring Ditch, said water to be used for domestic and stockwatering purposes
31 and for the irrigation of his lands as described in Schedule I, hereunto
annexed.

1 6. That C. S. Erickson shall at all times be entitled to divert
2 the entire flow of an unnamed spring situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 34 N,
3 R. 1 E, M.D.B. & M. (designated on the map prepared by Division of Water
4 Rights in 1923 as Diversion No. 10), through the Erickson Spring Ditch and
5 Pipe Line, said water to be used for domestic and stockwatering purposes and
6 for the irrigation of his lands as described in Schedule I, hereunto annexed.

7 7. That Emil Plaetke shall at all times be entitled to divert the
8 entire flow of an unnamed spring channel situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30,
9 T 34 N, R 1 E, M.D.B. & M., either at a point designated on the map prepared
10 by the Division of Water Rights in 1923 as Diversion No. 14 through the Earl
11 Patton East Spring Ditch, or at a point designated on said map as Diversion
12 No. 15, through the Earl Patton Feeder Ditch, said water to be used for domestic
13 and stockwatering purposes and for the irrigation of his lands as described in
14 Schedule I, hereunto annexed.

15 8. That Emil Plaetke shall at all times be entitled to divert the
16 entire flow of an unnamed spring situated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30, T 34 N,
17 R 1 E, M.D. B. & M., (designated on the map prepared by the Division of Water
18 Rights in 1923 as Diversion No. 16), through the Earl Patton West Spring
19 Ditch and Pipe Line, said water to be used for domestic and stockwatering
20 purposes and for the irrigation of his lands as described in Schedule I,
21 hereunto annexed.

22 9. That F. H. Kenyon shall at all times be entitled to divert the
23 entire flow of an unnamed spring channel traversing the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29,
24 T 34 N, R 1 E. M.D.B. & M., and the NE $\frac{1}{4}$ of Sec. 32, T 34 N, R 1 E. M.D.B. & M.,
25 at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T 34 N, R 1 E., M.D.B. & M., designated
26 on the map prepared by the Division of Water Rights in 1923 as Diversion
27 No. 20, through the F. H. Kenyon Upper Spring Ditch, or at a point in the
28 NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32, T 34 N, R 1 E, M.D.B. & M., designated on said map as
29 Diversion No. 21, through the F. H. Kenyon Middle Spring Ditch, or at points
30 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32, T 34 N, R 1 E, M.D.B. & M., designated on said
31 map as Diversions No. 22 and 23, through the F. H. Kenyon Lower Spring Ditch

1 and the F. H. Kenyon Ditch from North Cow Creek, respectively, said water to be
2 used for domestic and stockwatering purposes and for the irrigation of his lands
3 as described in Schedule I hereunto annexed.

4 10. That E. C. Frisbie and C. T. Dozier shall at all times be entitled
5 to divert the entire flow of an unnamed spring situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.
6 31, T 34 N, R 1 E. M.D.B. & M., and designated on the map prepared by the
7 Division of Water Rights in 1923 as Diversion No. 25, into the reservoir on
8 the John Kenyon Ditch system, said water to be withdrawn from said reservoir
9 through said ditch system and used for domestic and stockwatering purposes and
10 for the irrigation of the lands of said parties as described in Schedule I,
11 hereunto annexed.

12 11. That E. C. Frisbie and C. T. Dozier shall at all times be
13 entitled to divert the entire flow of Garden Spring, situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
14 of Sec. 31, T 34 N, R 1 E, M.D.B. & M., and designated on the map prepared
15 by the Division of Water Rights in 1923 as Diversion No. 26, through the
16 Garden Spring Ditch, said water to be used for domestic and stockwatering
17 purposes and for the irrigation of the lands of said parties as described in
18 Schedule I, hereunto annexed.

19 12. That E. C. Frisbie and C. T. Dozier shall at all times be entitled
20 to divert 0.025 cubic foot per second from an unnamed spring situated in the
21 SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, T 34 N, R 1 E, M.D.B. & M., and designated on the map pre-
22 pared by the Division of Water Rights in 1923 as Diversion No. 27 through a
23 domestic water supply pipe line, said water to be used for domestic purposes at
24 the dwelling of said parties situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, T 34 N, R 1 E,
25 M.D.B. & M.

26 13. That Mrs. L. A. Spaulding shall at all times be entitled to divert
27 the entire return flow from the Alonzo Haley irrigated lands, at a point situated
28 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T 34 N, R 1 W, M.D.B. & M. and designated on the map
29 prepared by the Division of Water Rights in 1923 as Diversion No. 35, through
30 the Johnson Waste Channel Ditch, said water to be used for domestic and stock
31 watering purposes and for the irrigation of her lands as described in Schedule I,
hereunto annexed.

14. That Alex Hansen shall at all times be entitled to divert the
entire return flow from the L. A. Spaulding irrigated lands, at a point

1 situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T 34 N, R 1 W, M.D.B. & M., and designated
2 on the map prepared by the Division of Water Rights in 1923 as Diversion No.
3 36, through the McCandless Waste Channel Ditch, said water to be used for
4 domestic and stockwatering purposes and for the irrigation of his lands as
5 described in Schedule I, hereunto annexed.

6 15. That Alex Hansen shall at all times be entitled to divert the
7 entire flow of the channel leading from Frank Storey Spring, through either
8 the McCandless Upper Spring Ditch or the McCandless Lower Spring Ditch, said
9 water to be used for domestic and stockwatering purposes and for the irrigation
10 of his lands as described in Schedule I, hereunto annexed.

11 16. That Wilford E. Ross, John Q. Cox, J. W. Ballard, E. D. Herrick,
12 J. B. Garswell Estate, and E. C. English shall at all times be entitled to
13 divert the entire flows of three springs, one being situated within the NE $\frac{1}{4}$ NW $\frac{1}{4}$
14 of Sec. 8, T 33 N, R 1 E, M.D.B. & M., and designated on the map prepared by
15 the Division of Water Rights in 1923 as Diversion No. 46, and the other two
16 being situated within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 8, T 33 N, R 1 E, M.D.B. & M., and
17 designated on said map as Diversions No. 47 and No. 48, through the Welch and
18 Strayer Ditch, said water to be used for domestic and stockwatering purposes
19 and for the irrigation of the lands of the various parties enumerated in this
20 paragraph as described in Schedule I, hereunto annexed.

21 17. That O. L. Rose, Evert G. Angle, Emma A. Thomas, John W.
22 Maxwell, and Jennie Maxwell shall at all times be entitled to divert the entire
23 flows of five springs, one being situated within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T 33 N,
24 R 1 E, M.D.B. & M., and designated on the map prepared by the Division of Water
25 Rights in 1923 as Diversion No. 51, one being situated within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
26 Sec. 8, T 33 N, R 1 E, M.D.B. & M. and designated on said map as Diversion No.
27 52, and three being situated within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T 33 N, R 1 E., M.D.B. &
28 M., and designated on said map as Diversions No. 53, No. 54, and No. 55, through
29 the Excelsior Ditch, said water to be used for domestic and stockwatering
30 purposes and for the irrigation of the lands of the various parties enumerated
31 in this paragraph as described in Schedule I, hereunto annexed.

1 18. That Evert G. Angle shall at all times be entitled to divert the
2 entire flow of an unnamed spring situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T 33 N,
3 R 1 W, M.D.B. & M., and designated on the map prepared by the Division of Water
4 Rights in 1923 as Diversion No. 67, through the Angle Spring Ditch, said
5 water to be used for domestic and stockwatering purposes and for the irri-
6 gation of his lands as described in Schedule I, hereunto annexed.

7 19. That J. W. Maxwell and Jennie Maxwell shall at all times be
8 entitled to divert the entire return flow from the Emma A. Thomas irrigated
9 lands at a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13, T 33 N, R 1 W, M.D.B. & M.,
10 and designated on the map prepared by the Division of Water Rights in 1923 as
11 Diversion No. 68, through the Maxwell Waste Channel Ditch, said water to be
12 used for domestic and stockwatering purposes and for the irrigation of their
13 lands as described in Schedule I, hereunto annexed.

14 20. That C. B. Jones shall at all times be entitled to divert the
15 entire flows of Maple Spring and Alder No. 2 Spring, through a lateral of the
16 Pehrson-Grant-Strawn Ditch, said water to be used for domestic and stock
17 watering purposes and for the irrigation of his lands as described in Schedule
18 I, hereunto annexed.

19 21. That Jesse Grant shall at all times be entitled to divert the
20 entire flow of an unnamed spring situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, T 34 N,
21 R 1 W., M.D.B. & M. and designated on map prepared by Division of Water Rights
22 in 1923 as Diversion No. 74, said water to be used for domestic and stock-
23 watering purposes and for the irrigation of his lands as described in Schedule
24 I, hereunto annexed.

25 22. That A. F. Pehrson shall at all times be entitled to divert
26 the entire return flow from the Jesse Grant irrigated lands, through the
27 Borquist Ditch, said water to be used for domestic and stockwatering purposes
28 and for the irrigation of his lands as described in Schedule I, hereunto
29 annexed.

30 23. That A. F. Pehrson shall at all times be entitled to divert
31 the entire flows of Big Spring, Indian Spring, Lake Spring, Reservoir Spring,

1 and House Spring, through laterals of the Pehrson-Grant-Strawn Ditch, except
2 in the case of House Spring, which is to be diverted through two pipe lines
3 leading to his house and refrigerating box, the water from all five springs
4 to be used for domestic and stockwatering purposes and for the irrigation of
5 his lands as described in Schedule I, hereunto annexed.

6 24. That Mrs. De Forest Hobson shall at all times be entitled to
7 divert the entire flows of two springs situated in Lot 6 of Sec. 6, T 33 N,
8 R 1 W, M.D.B. & M., and known as Orchard Springs, through two pipe lines, said
9 water to be used for the irrigation of 0.7 acre of orchard situated in said
10 Lot 6 of Sec. 6, T 33 N, R 1 W, M.D.B. & M.

11 25. That Mrs. De Forest Hobson shall at all times be entitled to
12 divert the entire flow of an unnamed spring situated within the $SE\frac{1}{4} NE\frac{1}{4}$ of
13 Sec. 6, T 33 N, R 1 W, M.D.B. & M. and designated on map prepared by Division
14 of Water Rights in 1923 as Diversion No. 97, through the Hobson Domestic Sup-
15 ply Pipe Line, said water to be used for domestic purposes at her dwelling
16 situated in the $NW\frac{1}{4} SE\frac{1}{4}$ of Sec. 6, T 33 N, R 1 W, M.D.B. & M.

17 26. That R.A. Ward shall at all times be entitled to divert the
18 entire flow of an unnamed spring situated in Lot 2 of Sec. 6, T 33 N, R 1 W,
19 M.D.B. & M. and designated on map prepared by Division of Water Rights in 1923
20 as Diversion No. 98, through the Ward Domestic Supply Pipe Line, said water
21 to be used for domestic purposes at his dwelling situated in the $SE\frac{1}{4} NW\frac{1}{4}$ of
22 Sec. 31, T 34 N, R 1 W, M.D.B. & M.

23 27. That J. G. Asher shall at all times be entitled to divert the
24 entire flow of an unnamed spring situated in the $NE\frac{1}{4} NE\frac{1}{4}$ of Sec. 2, T 33 N,
25 R 2 W, M.D.B. & M. and designated on map prepared by Division of Water Rights
26 in 1923 as Diversion No. 103, through the Asher Domestic Supply Pipe Line,
27 said water to be used for domestic purposes at his dwelling situated in the
28 $NE\frac{1}{4} NE\frac{1}{4}$ of Sec. 2, T 33 N, R 2 W, M.D.B. & M.

29 28. That the California Zinc Company shall at all times be entitled
30 to divert 0.04 cubic foot per second from North Cow Creek by means of a pump
31 situated in the $NE\frac{1}{4} NE\frac{1}{4}$ of Sec. 10, T 33 N, R 2 W, M.D.B. & M., and designated

1 ^{the} on map prepared by ^{the} Division of Water Rights in 1923 as Diversion No. 104,
2 said water to be used for fire protection purposes and for the operation of
3 a compressor on the Fitzimmons Claim; provided, however, that all water so
4 diverted, with the exception of that necessarily lost in transportation and
5 that consumed by said uses, shall be returned to the natural channel of
6 North Cow Creek within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10, T 33 N, R 2 W, M.D.B. & M.

7 29. That the California Zinc Company shall at all times be en-
8 titled to divert 0.55 cubic foot per second from North Cow Creek by means
9 of a pump situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, T 33 N, R 2 W, M.D.B. & M.
10 and designated on the map prepared by the Division of Water Rights in 1923
11 as Diversion No. 105, said water to be used for milling purposes at the mill
12 of the California Zinc Company situated in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15,
13 T 33 N, R 2 W, M.D.B. & M., and for municipal purposes within the town of
14 Ingot.

15 30. That, subject to all of the foregoing provisions the parties
16 to this action shall be entitled to an equal and correlative right in and
17 to the waters of North Cow Creek and its tributaries as hereinafter provided.

18 31. That various parties to this action shall be divided into two
19 classes, to be known as Cedar Creek Users and North Cow Creek Users; that the
20 Cedar Creek Users shall be divided into two classes, to be known as Class A
21 and Class B, as set forth in Schedules II and III, hereunto annexed; and that
22 the North Cow Creek Users shall be divided into two classes, to be known as
23 Class C and Class D, as set forth in Schedules IV and V, hereunto annexed.

24 32. That the period between 8:00 o'clock A. M., on May 1st, and
25 8:00 o'clock A.M., on October 28th shall be divided into 18 irrigation periods
26 for the Cedar Creek Users and 18 irrigation periods for the North Cow Creek
27 Users as set forth respectively in Schedules VI and VII, hereunto annexed.

28 33. That during the first, third, fifth, seventh, ninth, eleventh,
29 thirteenth, fifteenth, and seventeenth irrigation periods, as respectively
30 set forth in Schedules VI and VII, the Users in Class A and in Class C shall
31 be entitled to divert and use the waters of Cedar Creek and its tributaries and

1 of North Cow Creek and its tributaries, respectively, for domestic and stock-
2 watering purposes, and for the irrigation of their lands as described in
3 Schedule I, hereunto annexed; provided, that the amounts of water to which
4 said Users in Class A and in Class C shall be entitled shall be limited to the
5 amounts of water which can be beneficially used for said purposes, and
6 shall not exceed the maximum irrigation allotments specified in Schedules
7 II and IV hereunto annexed.

8 34. That during the second, fourth, sixth, eighth, tenth, twelfth,
9 fourteenth, sixteenth, and eighteenth irrigation periods, as respectively set
10 forth in Schedules VI and VII, the Users in Class B and in Class D shall be
11 entitled to divert and use the waters of Cedar Creek and its tributaries and
12 of North Cow Creek and its tributaries, respectively, for domestic and stock-
13 watering purposes, and for the irrigation of their lands as described in
14 Schedule I, hereunto annexed; provided, that the amounts of water to which
15 said Users in Class B and in Class D shall be entitled shall be limited to
16 the amounts which can be beneficially used for said purposes, and shall not
17 exceed the maximum irrigation allotments specified in Schedules III and V
18 hereunto annexed.

19 35. That during the first, third, fifth, seventh, ninth, eleventh,
20 thirteenth, fifteenth, and seventeenth, irrigation periods, the Users in
21 Class B and in Class D shall be entitled to divert through their ditches the
22 minimum allotments specified in Schedule VIII hereunto annexed, for domestic
23 and stockwatering use, and to prevent damage which might otherwise be caused
24 by their ditches remaining entirely dry; provided, however, that any water
25 so diverted, over and above that consumed for said purposes, and that neces-
26 sarily lost in transportation shall be directly returned to the natural
27 channel of Cedar Creek or of North Cow Creek or one of its tributaries, in
28 all cases where such return is reasonably possible.

29 36. That during the second, fourth, sixth, eighth, tenth, twelfth,
30 fourteenth, sixteenth, and eighteenth, irrigation periods the Users in Class
31 A and in Class C shall be entitled to divert through their ditches the mini-

1 mum allotments specified in Schedule VIII hereunto annexed, for domestic and
2 stockwatering use, and to prevent damage which might otherwise be caused by
3 their ditches remaining entirely dry; provided, however, that any water so
4 diverted, over and above that consumed for said purposes and that necessarily
5 lost in transportation, shall be directly returned to the natural channel of
6 Cedar Creek, or of North Cow Creek or one of its tributaries, in all cases
7 where such return is reasonably possible.

8 37. That at any time when the natural flow of Cedar Creek is in
9 excess of that necessary to supply the water allotted therefrom as specified
10 in Schedules II and III, then during the continuance of such excess, Mrs. L. A.
11 Spaulding and Alex Hansen may divert their respective irrigation allotments
12 as specified in Schedules IV and V from such excess through the Haley-Spaulding
13 and McCandless Ditches, respectively, in lieu of diverting said allotments
14 from the North Fork of North Cow Creek, or Minnie Gulch, through the Benbow
15 Ditch.

16 38. That should at any time during the first, third, fifth, seventh,
17 ninth, eleventh, thirteenth, fifteenth, and seventeenth irrigation periods,
18 the natural flow of Cedar Creek or of North Cow Creek and its tributaries be
19 inadequate to supply the maximum irrigation allotments therefrom to the Users
20 in Class A or in Class C, respectively, as hereinabove provided in Paragraph
21 33, and at the same time supply the minimum allotments as hereinabove provided
22 for in Paragraph 35, then, during the continuance of such shortage, the Users
23 in Class A or in Class C shall divide the available water supply of said
24 respective streams, over and above the amounts of water necessary to supply
25 said minimum allotments, in the ratios that their maximum irrigation allotments
26 as specified in Schedules II and IV, respectively, bear to the total of the
27 maximum irrigation allotments provided in their respective Schedule.

28 39. That should at any time during the second, fourth, sixth,
29 eighth, tenth, twelfth, sixteenth and eighteenth irrigation periods, the
30 natural flow of Cedar Creek or of North Cow Creek and its tributaries be in-
31 adequate to supply the maximum irrigation allotments therefrom to the Users in

1 Class B or in Class D, respectively, as hereinabove provided for in Paragraph
2 34, and at the same time supply the minimum allotments as hereinabove provided
3 for in Paragraph 36, then, during the continuance of such shortage, the Users
4 in Class B or in Class D shall divide the available water supply of said
5 respective streams, over and above the amounts of water necessary to supply
6 said minimum allotments, in the ratios that their maximum irrigation allotments
7 as specified in Schedules III and V, respectively, bear to the total of the
8 maximum irrigation allotments provided in their respective Schedule.

9 40. That the points of measurements of all allotments hereinabove
10 provided for shall be at the respective points of diversion from the stream
11 system, except that the allotments to the Frisbie and Dozier Ditch shall be
12 measured at the point where said ditch passes over the saddle between the
13 North Cow Creek drainage area and the Mill Creek drainage area, that the al-
14 lotment to the Erickson Ditch shall be measured at a point immediately below
15 the inflow from School House Spring, that the allotment to the F. H. Kenyon
16 Ditch shall be measured at a point immediately below the inflow from the
17 spring designated on the map prepared by the Division of Water Rights in 1923
18 as Diversion No. 19, and that the allotment to the Welch and Strayer Ditch shall
19 be measured at the flume crossing on the South Fork of Mill Creek.

20 41. That nothing herein contained shall be construed as limiting
21 or restricting the rights of any two or more of the parties to this action
22 from entering into an agreement or agreements whereby said parties may pool
23 their respective interests for use during any irrigation period, or any two
24 consecutive irrigation periods, and thereby apply water to their respective
25 lands at a greater rate than herein provided for; provided that the total use
26 of any such parties on their lands shall not exceed the equivalent of the allot-
27 ments herein provided for; and provided further, that such use shall not im-
28 pair or infringe the right of any other party.

29 42. That nothing herein contained shall be construed as an admission
30 by any party that his legal rights or the rights of any other party are as
31 herein provided for; that the distribution of water in accordance with this
stipulation and agreement shall not in any manner prejudice the rights which

1 are now claimed or may hereafter be asserted by any of the parties hereto;
2 and that this stipulation takes notice of the claims of the plaintiff, The
3 Red River Lumber Company, to a right to water from North Cow Creek through
4 what is commonly known as the "Terry Flume" and the omission of any provision
5 in this agreement for supplying water so claimed to said plaintiff, and for the
6 non use of the water so claimed by said plaintiff during the irrigation season
7 of 1927, in conformity with this stipulation, shall not be construed as a waiver
8 or abandonment of said claim, or as in any way affecting or prejudicing said
9 claims in any future consideration, hearing or determination of the matter, but
10 nothing herein contained shall be construed as an admission of the validity or
11 extent of said claim.

12 43. That the Division of Water Rights shall appoint a Water Master
13 to distribute the waters of North Cow Creek and its tributaries during the 1927
14 irrigation season as herein provided, and said Water Master shall have power
15 and authority to inspect and regulate the diversions of all the parties hereto
16 in accordance with this stipulation and agreement, and in the exercise of such
17 authority may enter upon the lands of said parties for the purpose of such in-
18 spection and regulation, and may establish and maintain such gauging stations
19 and measuring devices and require such diversion works in said stream and
20 diversion ditches as may be necessary or convenient. The several ditch owners
21 shall furnish the necessary labor and material for the construction and instal-
22 lation of said measuring devices and diversion works.

23 44. That in order to meet the costs of such distribution by the
24 Water Master, the parties hereto agree to pay to the Division of Water Rights
25 on or before April 15, 1927, their respective assessments as set forth in
26 Schedule IX, hereunto annexed.

27 45. That in case two or more parties hereto become dissatisfied
28 with the distribution made in accordance with this agreement, then said parties
29 may complain to the Division of Water Rights and shall specify wherein they are
30 dissatisfied, whereupon the Division of Water Rights, shall, if in its dis-
31 cretion necessity therefor exists, call a meeting of the parties hereto, or the

1 Division of Water Rights may of its own motion call such meeting. After a
2 meeting so called, and a consideration at said meeting of changes proposed,
3 the Division of Water Rights shall have authority to make such changes in the
4 plan or method of distribution herein provided for as may be deemed advisable
5 by said Division in order to better carry into effect the apportionments pro-
6 vided for in this agreement.

7 IN WITNESS WHEREOF, the parties hereto have affixed their hands and
8 seals this 8th day of March, 1927.

9 Mrs. Ida L Bidwell.

10 Wm. G. Bidwell

11 H. O. Bishop

12 O L Rowe

13 Emma A Thomas

14 J W Mapwell.

15 Jennie Mapwell.

16 By J W. Mapwell

17 E. G. Engle

18 George R. Ehrhardt

19 Mrs. Augusta J. Hobson.

20 Roy Wiley Eliza Wiley By Roy Wiley

21 E. J. Herrick

22 J. W. Ballance

23 Johnie C Cox by W E Ross

24 W E Ross.

25 E C Engle

1 L. S. Shacham

2 L. S. Sharp

3 Arthur Olson administrator

4 Luella Lofton

5 Red River Lumber Co

6 By Carr & Kennedy Attys

7 Cook & Butcher Ditch Co

8 By Carr & Kennedy Attys

9 George A. Bayler

10 H. A. Bogue by Daniel H. Hunt Esq

11 James Asher,

12 John Rutherford

13 R. A. Ward

14 J. B. Carswell Est.

By Chenoweth & Jennings,
Attys.

16 { E. C. Frisbie. and

17 { Charles J. Dozier } by Charles J. Dozier

19 California Zinc Co

20 By ~~W. A. Anderson~~

21 His Attorney

23 Chas. L. Lenum and Oliver Lenum by

24 Chas. L. Lenum

27 Carr & Kennedy Attys for Plaintiffs

28 E. J. Phillips and

29 D. W. Phillips. by Arthur W. Dean, Attorney.

Jesse Grant.

Miss Lillie S. Paulding

Alex. Hansen

A. S. Petersen

C. B. Jones

Alonzo Waley

Geo. Rutherford

L. M. Carr

H. H. Buttrick

W. A. Bogg

John H. Hatter

W. A. Calkins & Son

J. Gordon Hadley

By J. L. Smith
att'y for respondents

SCHEDULE I

DESCRIPTION OF IRRIGATED LANDS

EVERT G. ANGLE:

2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T 33 N, R 1 W, M.D.B. & M.
1.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T 33 N, R 1 W, M.D.B. & M.
5.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T 33 N, R 1 W, M.D.B. & M.
9.2 acres - Total

J. G. ASHER:

5.2 acres in Lot 3, Sec. 1, T 33 N, R 2 W, M.D.B. & M.
2.1 acres in Lot 4, Sec. 1, T 33 N, R 2 W, M.D.B. & M.
4.8 acres in Lot 1, Sec. 2, T 33 N, R 2 W, M.D.B. & M.
1.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 34 N, R 2 W, M.D.B. & M.
1.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 34 N, R 2 W, M.D.B. & M.
14.6 acres - Total

J. E. BAKER:

7.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
2.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
13.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
23.4 acres - Total

JAMES W. BALLARD:

5.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T 33 N, R 1 W, M.D.B. & M.
6.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T 33 N, R 1 W, M.D.B. & M.
12.1 acres - Total

IDA BIDWELL:

4.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T 34 N, R 1 W, M.D.B. & M.
4.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T 34 N, R 1 W, M.D.B. & M.
7.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T 34 N, R 1 W, M.D.B. & M.
13.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T 34 N, R 1 W, M.D.B. & M.
30.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T 34 N, R 1 W, M.D.B. & M.
10.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T 34 N, R 1 W, M.D.B. & M.
69.9 acres - Total

H. O. BISHOP:

8.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T 34 N, R 1 E, M.D.B. & M.
0.4 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T 34 N, R 1 E, M.D.B. & M.
9.1 acres - Total

W. A. BOGUE:

2.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
8.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
11.1 acres - Total

SCHEDULE I, (Continued)

GEORGE J. BOYLE:

0.6 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
8.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
2.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
1.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
0.3 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T 32 N, R 3 W, M.D.B. & M.
12.2 acres - Total

H. H. BUTZBACH:

0.5 acre in Lot 2, Sec. 5, T 31 N, R 3 W, M.D.B. & M.
2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T 31 N, R 3 W, M.D.B. & M.
0.4 acre in Lot 1, Sec. 5, T 31 N, R 3 W, M.D.B. & M.
11.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T 31 N, R 3 W, M.D.B. & M.
15.5 acres - Total

W. A. CALKINS:

7.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T 34 N, R 1 W, M.D.B. & M.
2.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T 34 N, R 1 W, M.D.B. & M.
10.0 acres - Total

J. B. CARSWELL ESTATE; EDWARD RICE

14.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T 33 N, R 2 W, M.D.B. & M.
0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T 33 N, R 2 W, M.D.B. & M.
14.9 acres - Total

J. G. CHATHAM:

18.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
18.0 acres - Total

G. R. ELDRIDGE:

3.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
3.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
1.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
24.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
1.4 acres in Lot 4, Sec. 4, T 33 N, R 1 W, M.D.B. & M.
13.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T 33 N, R 1 W, M.D.B. & M.
6.1 acres in Lot 1, Sec. 5, T 33 N, R 1 W, M.D.B. & M.
11.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
13.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
80.1 acres - Total

RICHARD ELLERKAMP:

1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 34 N, R 1 W, M.D.B. & M.
1.5 acres - Total

E. C. ENGLISH:

9.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T 33 N, R 2 W, M.D.B. & M.
18.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T 33 N, R 2 W, M.D.B. & M.
13.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, T 33 N, R 2 W, M.D.B. & M.
41.6 acres - Total

SCHEDULE I, (Continued)

C. S. ERICKSON:

0.4 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T 34 N, R 1 E, M.D.B. & M.
 14.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 34 N, R 1 E, M.D.B. & M.
 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 34 N, R 1 E, M.D.B. & M.
 8.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T 34 N, R 1 E, M.D.B. & M.
 0.8 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, T 34 N, R 1 E, M.D.B. & M.
25.1 acres - Total

E. C. FRISBIE, AND C. T. DOZIER:

6.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
 1.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
 0.1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
 1.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
 0.6 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T 34 N, R 1 E, M.D.B. & M.
10.1 acres - Total

JESSE GRANT:

20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
 1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
13.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
34.1 acres - Total

J. G. HADLEY:

1.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, T 34 N, R 1 W, M.D.B. & M.
 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T 34 N, R 1 W, M.D.B. & M.
 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T 34 N, R 1 W, M.D.B. & M.
 0.7 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T 34 N, R 1 W, M.D.B. & M.
 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T 34 N, R 1 W, M.D.B. & M.
 7.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T 34 N, R 1 W, M.D.B. & M.
20.8 acres - Total

ALONZO HALEY:

1.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 E, M.D.B. & M.
 1.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
 7.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
 16.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
 6.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
32.6 acres - Total

ALEX HANSEN:

8.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T 34 N, R 1 W, M.D.B. & M.
 15.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T 34 N, R 1 W, M.D.B. & M.
 6.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T 34 N, R 1 W, M.D.B. & M.
 0.1 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T 34 N, R 1 W, M.D.B. & M.
30.6 acres - Total

J. P. HATLER: E. ANDERSON

2.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
2.4 acres - Total

SCHEDULE I, (Continued)

E. D. HERRICK:

9.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T 33 N, R 2 W, M.D.B. & M.
1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T 33 N, R 2 W, M.D.B. & M.
11.2 acres - Total

MRS. DE FOREST HOBSON:

0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
6.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
4.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T 33 N, R 1 W, M.D.B. & M.
9.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T 33 N, R 1 W, M.D.B. & M.
5.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T 33 N, R 1 W, M.D.B. & M.
12.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T 33 N, R 1 W, M.D.B. & M.
5.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T 33 N, R 1 W, M.D.B. & M.
7.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T 33 N, R 1 W, M.D.B. & M.
2.4 acres in Lot 3, Sec. 6, T 33 N, R 1 W, M.D.B. & M.
53.9 acres - Total

L. S. HOLCOMB:

32.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
0.6 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
2.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
11.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
46.0 acres - Total

C. B. JONES:

4.3 acres in Lot 4, Sec. 2, T 33 N, R 1 W, M.D.B. & M.
1.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T 33 N, R 1 W, M.D.B. & M.
13.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
11.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
1.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
32.9 acres - Total

F. H. KENTON:

7.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 34 N, R 1 E, M.D.B. & M.
17.7 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 34 N, R 1 E, M.D.B. & M.
0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 34 N, R 1 E, M.D.B. & M.
2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T 34 N, R 1 E, M.D.B. & M.
27.9 acres - Total

CHARLES L. LEMM:

2.6 acres in Lot 3, Sec. 2, T 32 N, R 3 W, M.D.B. & M.
13.9 acres in Lot 4, Sec. 2, T 32 N, R 3 W, M.D.B. & M.
2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
22.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
2.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
20.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
21.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
13.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, T 33 N, R 3 W, M.D.B. & M.
1.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 33 N, R 3 W, M.D.B. & M.
6.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 33 N, R 3 W, M.D.B. & M.
107.2 acres - Total

SCHEDULE I, (Continued)

LUELLA LOFTON:

2.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
2.8 acres - Total

JENNIE AND J. W. MAXWELL:

4.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T 33 N, R 1 W, M.D.B. & M.
3.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T 33 N, R 1 W, M.D.B. & M.
12.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, T 33 N, R 1 W, M.D.B. & M.
19.5 acres - Total

CHRISTIAN OLSON, (Estate of)

15.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
10.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
11.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
7.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
45.8 acres - Total

EMIL PLAETKE:

1.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T 34 N, R 1 E, M.D.B. & M.
6.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T 34 N, R 1 E, M.D.B. & M.
5.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T 34 N, R 1 E, M.D.B. & M.
0.6 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T 34 N, R 1 E, M.D.B. & M.
13.4 acres in Lot 3, Sec. 30, T 34 N, R 1 E, M.D.B. & M.
1.9 acres in Lot 2, Sec. 30, T 34 N, R 1 E, M.D.B. & M.
29.1 acres - Total

A. F. PEHRSON:

9.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T 34 N, R 1 W, M.D.B. & M.
1.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T 34 N, R 1 W, M.D.B. & M.
4.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T 34 N, R 1 W, M.D.B. & M.
17.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T 34 N, R 1 W, M.D.B. & M.
6.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
21.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
2.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T 34 N, R 1 W, M.D.B. & M.
64.3 acres - Total

RED RIVER LUMBER COMPANY:

0.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T 32 N, R 3 W, M.D.B. & M.
23.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T 32 N, R 3 W, M.D.B. & M.
7.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T 32 N, R 3 W, M.D.B. & M.
9.1 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T 32 N, R 3 W, M.D.B. & M.
24.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, T 32 N, R 3 W, M.D.B. & M.
3.9 acres in Lot 4 Sec. 19, T 34 N, R 1 E, M.D.B. & M.
3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
26.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
6.9 acres in Lot 1, Sec. 30, T 34 N, R 1 E, M.D.B. & M.
105.1 acres - Total

EDWARD RICE: (See Schedule E-30)

FRED ROE:

7.1 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T 34 N, R 1 W, M.D.B. & M.
7.1 acres - Total

SCHEDULE I, (Continued)

O. L. ROSE:

1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, T 33 N, R 1 E, M.D.B. & M.
3.7 acres in Lot 3, Sec. 7, T 33 N, R 1 E, M.D.B. & M.
2.5 acres in Lot 4, Sec. 7, T 33 N, R 1 E, M.D.B. & M.
7.2 acres - Total

WILFORD E. ROSS AND JOHN W. COX:

24.3 acres in Lot 2, Sec. 30, T 33 N, R 1 W, M.D.B. & M.
23.8 acres in Lot 3, Sec. 30, T 33 N, R 1 W, M.D.B. & M.
48.1 acres - Total

GEORGE RUTHERFORD:

6.9 acres in SE $\frac{1}{4}$ Sec. 36, T 33 N, R 3 W, M.D.B. & M.
6.9 acres - Total

JOHN RUTHERFORD:

4.0 acres in Lot 4, Sec. 2, T 32 N, R 3 W, M.D.B. & M.
2.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T 32 N, R 3 W, M.D.B. & M.
1.6 acres in Lot 1, Sec. 3, T 32 N, R 3 W, M.D.B. & M.
10.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, T 32 N, R 3 W, M.D.B. & M.
18.8 acres - Total

L. J. SHARP:

13.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
13.0 acres - Total

MRS. L. A. SPAULDING:

10.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
24.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T 34 N, R 1 W, M.D.B. & M.
34.4 acres - Total

EMMA A. THOMAS:

9.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T 33 N, R 1 W, M.D.B. & M.
17.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T 33 N, R 1 W, M.D.B. & M.
2.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T 33 N, R 1 W, M.D.B. & M.
28.8 acres - Total

R. A. WARD:

6.5 acres in Lot 1, Sec. 1, T 33 N, R 2 W, M.D.B. & M.
4.8 acres in Lot 2, Sec. 1, T 33 N, R 2 W, M.D.B. & M.
0.2 acre in Lot 3, Sec. 6, T 33 N, R 1 W, M.D.B. & M.
3.9 acres in Lot 4, Sec. 6, T 33 N, R 1 W, M.D.B. & M.
4.5 acres in Lot 4, Sec. 31, T 34 N, R 1 W, M.D.B. & M.
0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T 34 N, R 1 W, M.D.B. & M.
13.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 W, M.D.B. & M.
21.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T 34 N, R 1 W, M.D.B. & M.
7.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T 34 N, R 1 W, M.D.B. & M.
62.5 acres - Total

SCHEDULE I, (Continued)

ROY WILSEY:

8.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T 33 N, R 2 W, M.D.B. & M.
6.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T 33 N, R 2 W, M.D.B. & M.
20.1 acres in Lot 3, Sec. 31, T 33 N, R 2 W, M.D.B. & M.
10.2 acres in Lot 4, Sec. 31, T 33 N, R 2 W, M.D.B. & M.
45.2 acres - Total

L.M. CARR

1.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
10.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T 32 N, R 3 W, M.D.B. & M.
0.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
1.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
0.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
4.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T 32 N, R 3 W, M.D.B. & M.
19.7 acres - Total

SCHEDULE II

CLASS A USERS

PROPERTY OWNER	DITCH	ACREAGE TO BE SUPPLIED	MAXIMUM IRRIGATION ALLOTMENT Sec. Ft.
H. O. Bishop	Bishop	9.1	0.25
C. S. Erickson	Erickson	24.0	0.50*
Alonzo Haley	Spaulding-Haley	32.6	0.65
Ida Bidwell	Halcomb	69.9	1.85
Fred Roe	Roe	7.1	1.40
J. G. Hadley	Hadley (2 ditches)	20.8	0.15
			0.40
Totals		163.5 93.6	3.35 3.15
Minimum Allotment to Ida Bidwell			0.50
GRAND TOTAL			5.65

*Measured at a point immediately below School House Spring and to include flow of said spring and also return flow from Bishop Ranch.

SCHEDULE III

CLASS B USERS

PROPERTY OWNER	DITCH	ACREAGE TO BE SUPPLIED	MAXIMUM IRRIGATION ALLOTMENT Sec. Ft.
H. O. Bishop	Bishop	9.1	0.25
C. S. Erickson	Erickson	24.0	0.50*
A. F. Haley	Spaulding-Haley	32.6	0.65
Ida Bidwell	Halcumb	69.9	2.15 1.40
Fred Roe	Roe	7.1	0.15
J. G. Hadley	Hadley (2 ditches)	20.8	0.40
Totals		163.5 150.9	3.35 3.45
Minimum Allotment to Alonzo Haley			0.25
GRAND TOTAL			3.70

*Measured at a point immediately below School House Spring
and to include flow of said spring and also return flow
from Bishop Ranch.

SCHEDULE IV

CLASS C USERS

PROPERTY OWNER	DITCH	ACREAGE TO BE SUPPLIED	MAXIMUM IRRIGATION ALLOTMENT Sec. Ft.
F. H. Kenyon	F. H. Kenyon	22.2	0.45
Frisbee & Dozier	Frisbee & Dozier	10.1	0.60
Alex Hansen	Benbow	28.6	1.25
Red River Lumber Co.	Sam Rice	10.8	0.45
Emil Plaetke	Earl Patton	25.1	1.00
A. F. Pehrson	Pehrson-Grant-Jones	64.3	2.60
R. Ellerkamp	Ellerkamp	1.5	0.25
Mrs. DeForest Hobson	Hobson (2 ditches)	53.9	2.15
R.A. Ward	Ward (2 ditches)	62.5	2.50
J. G. Asher	Huffman	14.6	0.60*
Roy Wilsey	Wilsey	45.2	1.80
Geo. Rutherford	Pump	2.8	0.10*
John Rutherford	Pump	7.5	0.30*
Red River Lumber Co.	Cook and Butcher	20.0	0.75
L. S. Holcomb	Cook and Butcher	46.0	1.50
Olson Bros.	Cook and Butcher	45.8	1.50
Red River Lumber Co.		27.0	1.10
L.M. Carr	Gray	19.4	0.80
J. P. Hatler	Pump	2.4	0.10
W. A. Bogue	Pump	11.1	0.45
Totals		523.1 503.4	20.25 19.45
Total Minimum Flow Allotments to Class D Users			1.87
GRAND TOTAL			22.12 21.32

*J. G. Asher shall be entitled to divert only during the first six days of each rotation period of Class C Users and at the rate of 1.00 cubic foot per second. George Rutherford and John Rutherford shall be entitled to divert only during the last four days of each rotation period of Class C Users and at the rates of 0.30 and 0.75 cubic foot per second, respectively.

SCHEDULE V

CLASS D USERS

PROPERTY OWNER	DITCH	ACREAGE TO BE SUPPLIED	MAXIMUM IRRIGATION ALLOTMENT Sec. Ft.
F. H. Kenyon	F. H. Kenyon	22.2	0.45
Mrs. L. A. Spaulding	Benbow	34.4	1.25
W. A. Calkins	Sam Rice	10.0	0.45
Jesse Grant	Pehrson-Grant-Jones	34.1	1.30
C. B. Jones	Pehrson-Grant-Jones	32.9	1.30
G. R. Eldridge	Eldridge (4 ditches)	80.1	3.20
J. E. Baker	Bibbens	23.4	0.95
Geo. Rutherford	Pump	4.1	0.20*
John Rutherford	Pump	11.3	0.45*
C. L. Lemm	Woodman	107.2	4.30
J. G. Chatham	Cook and Butcher	18.0	0.75
L. J. Sharpe	Cook and Butcher	13.0	0.75
Luella Lofton	Cook and Butcher	2.8	0.75
Red River Lumber Co.		47.0	1.90
G. J. Boyle	Pump	12.2	0.50
H. H. Butzbach	Pump	15.5	0.60
Totals		466.2	19.10
Total Minimum Flow Allotments to Class C Users			2.45 2.20
GRAND TOTAL			21.55 21.80

*George Rutherford and John Rutherford shall be entitled to divert only during the last six days of each rotation period of Class D Users and at the rates of 0.30 and 0.75 cubic foot per second, respectively.

SCHEDULE VI

IRRIGATION PERIODS FOR CEDAR CREEK USERS

CLASSES A AND B

<u>Period No.</u>	<u>BEGINS 8:00 A.M.</u>	<u>ENDS 8:00 A.M.</u>	<u>CLASS ENTITLED TO IRRIGATION ALLOTMENT</u>
1	May 1	May 8	Class A
2	May 8	May 21	Class B
3	May 21	May 28	Class A
4	May 28	June 10	Class B
5	June 10	June 17	Class A
6	June 17	June 30	Class B
7	June 30	July 7	Class A
8	July 7	July 20	Class B
9	July 20	July 27	Class A
10	July 27	August 9	Class B
11	August 9	August 16	Class A
12	August 16	August 29	Class B
13	August 29	September 5	Class A
14	September 5	September 18	Class B
15	September 18	September 25	Class A
16	September 25	October 8	Class B
17	October 8	October 15	Class A
18	October 15	October 28	Class B

SCHEDULE VII

IRRIGATION PERIODS FOR NORTH COW CREEK USERS

CLASSES C AND D

<u>Period No.</u>	<u>Begins 8:00 A.M.</u>	<u>Ends 8:00 A.M.</u>	<u>Classes Entitled to Irrigation Allotment</u>
1	May 1	May 11	Class C
2	May 11	May 21	Class D
3	May 21	May 31	Class C
4	May 31	June 10	Class D
5	June 10	June 20	Class C
6	June 20	June 30	Class D
7	June 30	July 10	Class C
8	July 10	July 20	Class D
9	July 20	July 30	Class C
10	July 30	August 9	Class D
11	August 9	August 19	Class C
12	August 19	August 29	Class D
13	August 29	September 8	Class C
14	September 8	September 18	Class D
15	September 18	September 28	Class C
16	September 28	October 8	Class D
17	October 8	October 18	Class C
18	October 18	October 28	Class D

SCHEDULE VIII

MINIMUM FLOW ALLOWANCE

Property Owner	Ditch	Class of User	Allotment Sec. Ft.
Alonso Haley	Spaulding-Haley	A	0.25
Ida Bidwell	Holcomb	B	0.50
Frisbie & Dozier	Frisbie & Dozier	C	0.25
Mrs. L. A. Spaulding	Benbow	C	0.125
Red River Lumber Co.	Sam Rice	C	0.125
Emil Plaetke	Earl Patton	C	0.10
A. F. Pehrson	Pehrson-Grant-Jones	C	0.25
R. Ellerkamp	Ellerkamp	C	0.10
Mrs. DeForest Hobson	Hobson (2 ditches)	C	0.25
R. A. Ward	Ward (2 ditches)	C	0.25
J. G. Asher	Huffman	C	0.25
Roy Wilsey	Wilsey	C	0.25
L. S. Holcomb	Cook and Butcher	C	0.125
Olson Bros.	Cook and Butcher	C	0.125
L. M. Carr	Gray	C	0.25
Alex Hansen	Benbow	D	0.125
W. A. Calkins	Sam Rice	D	0.125
Jesse Grant	Pehrson-Grant-Jones	D	0.125
C. B. Jones	Pehrson-Grant-Jones	D	0.125
G. R. Eldridge	Eldridge (4 ditches)	D	0.25
J. E. Baker	Bibbens	D	0.25
C. L. Lemm	Woodman	D	0.50
J. G. Chatham	Cook and Butcher	D	0.125
L. J. Sharpe	Cook and Butcher	D	0.125
Luella Lofton	Cook and Butcher	D	0.125
Total			4.325
			4.325

SCHEDULE IX

APPORTIONMENT OF COST OF WATER MASTER
SERVICE FOR 1927 IRRIGATION SEASON

1	:	:	:	:	:
2	:	:	:	:	:
3	:	NAME	CONTINUOUS FLOW	:	:
	:	:	IRRIGATION ALLOTMENT	:	PROPORTIONAL
4	:	:	Sec. Ft.	:	COST
	:	Evert G. Angle	0.50	:	\$ 10.55
5	:	J. G. Asher	0.30	:	6.35
6	:	J. E. Baker	0.47	:	9.90
7	:	J. W. Ballard	0.50	:	10.55
8	:	Ida Bidwell	1.40	:	29.60
9	:	H. O. Bishop	0.25	:	5.30
10	:	W. A. Bogue	0.23	:	4.85
11	:	George J. Boyle	0.25	:	5.30
12	:	H. H. Butzbach	0.30	:	6.35
13	:	California Zinc Co.	0.59	:	12.45
14	:	W. A. Calkins	0.23	:	4.85
15	:	L. M. Carr	0.40	:	8.45
	:	J. B. Carswell Estate	0.50	:	10.55
16	:	J. G. Chatham	0.37	:	7.80
17	:	G. R. Eldridge	1.60	:	33.80
18	:	Richard Ellerkamp	0.13	:	2.75
19	:	E. C. English	0.50	:	10.55
20	:	C. S. Erickson	0.50	:	10.55
21	:	E. C. Frisbie & C. T. Dozier	0.30	:	6.35
22	:	Jesse Grant	0.65	:	13.70
23	:	J. G. Hadley	0.40	:	8.50
24	:	Alonzo Haley	0.65	:	13.70
25	:	Alex Hansen	0.63	:	13.30
26	:	J. P. Hatler	0.05	:	1.05
27	:	E. D. Herrick	0.50	:	10.55
28	:	Mrs. DeForest Hobson	1.07	:	22.60
29	:	L. S. Holcomb	0.75	:	15.85
30	:	C. B. Jones	0.65	:	13.70
31	:	:	:	:	:

SCHEDULE IX Con'd.

NAME	CONTINUOUS FLOW IRRIGATION ALLOTMENT Sec. Ft.	PROPORTIONAL COST
F. H. Kenyon	0.55	\$11.60
Charles L. Lemm	2.15	45.50
Luella Lofton	0.37	7.80
J. W. & Jennie Maxwell	0.50	10.55
Christian Olson Estate	0.75	15.85
A. F. Pehrson	1.30	27.45
E. J. Phillips	0.13 0.25	2.75
Emil Plaetke	0.57	12.00
Red River Lumber Company	2.00 2.10	42.20
O. L. Rose	0.50	10.55
W. E. Ross & J. W. Cox	1.00	21.10
Fred Roe	0.15	3.20
George Rutherford	0.15	3.20
John Rutherford	0.37	7.80
L. J. Sharpe	0.37	7.80
Mrs. L. A. Spaulding	0.63	13.30
Emma A. Thomas	0.50	10.55
R. A. Ward	1.25	26.40
Roy Wilsey	0.90	19.05
Total	29.63 28.41	608.45 \$600.00